

HIGH COURT OF GUJARAT

MISC. CIVIL APPLICATION NO.1485 OF 1993

Date of decision: 20.11.1995.

For approval and signature

The Honourable Mr. Justice S.M. Soni

and

The Honourable Mr. Justice R.R. Jain

Mr.R.D.Raval, advocate for petitioner.

Mr.Pranav G. Desai, advocate for respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: R.R.Jain & R.R.Jain,JJ.

Novemberr 20, 1995.

Learned advocates for the parties are absent.

On record, there is a writ from the Supreme Court to the effect that other proceedings pending before the High Court of Gujarat at Ahmedabad in Misc. Civil Application No.1485 of 1993 be and hereby stayed. This interim relief appears to have been granted pending final hearing

of the S.L.P. which was directed to be listed on

4.2.1994. It is not shown or informed to this court by either of the advocates that whether the said petition is admitted or not. When it was to be listed on 4.2.1994, it was the duty of the advocates to let this court know as to what further proceedings took place. If the petition was admitted, the principles of merger may apply and on final disposal of that petition, the petitioner will be at liberty to take action under the Contempt of Courts act if he so advised and if the contempt is committed. When it is not informed, it can be said that no order to stay further proceedings is there after 4.2.1994.

The impugned order of which the breach is alleged is an award of the Labour Court. In view of the judgment of the Supreme Court in the case of the Alahar Co-operative Credit Service Society v. Sham Lal, reported in 1955 (2) GLH 550, Labour Court is not a court subordinate to High Court within the meaning of Section 10 of the Contempt of Courts Act.

In this view of the matter, the petition is not maintainable and it deserves to be dismissed and is hereby dismissed. Rule discharged. No costs.